

FEDERAL ELECTION COMMISSION

**FEDERAL ELECTION COMMISSION**

999 E Street, NW  
Washington, DC 20463

2015 MAY 14 PM 7:53

**FIRST GENERAL COUNSEL'S REPORT**

CELA

**SENSITIVE**

RAD REFERRAL 14L-31

DATE RECEIVED: August 22, 2014

DATE OF LAST RESPONSE: NA

DATE ACTIVATED: March 23, 2015

EARLIEST SOL: January 26, 2017

LATEST SOL: April 17, 2017

ELECTION CYCLE: 2012

**SOURCE:**

Internally Generated

**RESPONDENT:**

Immigration911, LLC and Stanley P. Dull  
in his official capacity as treasurer

**RELEVANT STATUTES:**

52 U.S.C. § 30104(a) and (b)

52 U.S.C. § 30109

11 C.F.R. § 104.1(a)

11 C.F.R. § 104.3(a) and (b)

11 C.F.R. § 111.43

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**FEDERAL AGENCIES CHECKED:**

None

**I. INTRODUCTION**

The Reports Analysis Division ("RAD") referred Immigration911, LLC and Stanley P. Dull in his official capacity as treasurer (the "Committee") to the Office of General Counsel ("OGC") for failing to disclose a total of \$20,759.60 in receipts and \$103,886.08 in disbursements on its 2011 Year-End and 2012 April Quarterly Reports.<sup>1</sup> The Committee was notified of the referral but did not respond.

<sup>1</sup> See Memorandum from Patricia C. Orrock, Chief Compliance Officer, Federal Election Commission to Lisa J. Stevenson, Deputy General Counsel – Law, Federal Election Commission (Aug. 22, 2014) ("Referral").

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FEDERAL ELECTION COMMISSION SECRETARIAT

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1 We recommend that the Commission open a matter under review ("MUR") and find  
2 reason to believe that the Committee violated 52 U.S.C. § 30104(b) by failing to accurately  
3 report its receipts and disbursements. Additionally, we recommend that the Commission enter  
4 into pre-probable cause conciliation with the Committee and approve the attached conciliation  
5 agreement.

6 **II. FACTS**

7 The Committee registered with the Commission in 2011 and has filed regular disclosure  
8 reports since that time.<sup>2</sup> As discussed in detail below, the Committee amended two of its reports  
9 in 2012 to disclose additional activity that was not included in the original reports.

10 **A. 2011 Year-End Report**

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12 The Committee filed its 2011 Year-End Report on January 26, 2012.<sup>3</sup> The Committee  
13 amended the report on May 30, 2012, disclosing \$20,653.00 in receipts and \$96,551.33 in  
14 disbursements that were not included in the original report.<sup>4</sup> On August 3, 2012, RAD sent the  
15 Committee a Request for Additional Information ("RAI") asking the Committee to clarify why

<sup>2</sup> See Amended Statement of Organization filed on May 31, 2011, available at <http://docquery.fec.gov/pdf/732/11030611732/11030611732.pdf>.

<sup>3</sup> This filing used incorrect coverage dates of August 1, 2011 through December 31, 2011. The Committee corrected the coverage dates on its first amendment to the report.

<sup>4</sup> Referral at Attach. 4. On April 16, 2012, prior to filing the amendment, Szilvia Vukovics, a committee representative, had called RAD with questions regarding amending the 2011 Year-End Report. Referral at Attach. 5. Specifically, Ms. Vukovics asked if operating expenses needed to be reported by the Committee. *Id.* The RAD Analyst explained that if expenses were paid from the federal account, they should be reported. *Id.* It appears that the increased disbursements on the amended report resulted from the addition of the operating expenditures made by the Committee during that reporting period.

1 the additional activity was not included in the Committee's original report.<sup>5</sup> The Committee did  
2 not respond to the RFAI.<sup>6</sup>

3 **B. 2012 April Quarterly Report**

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5 On April 17, 2012, the Committee filed its original 2012 April Quarterly Report covering  
6 its activity from January 1, 2012 through March 31, 2012. The Committee amended the report  
7 on May 30, disclosing \$106.60 in receipts and \$7,334.75 in disbursements that were not included  
8 in the original report.<sup>7</sup> On March 7, 2013, RAD sent an RFAI asking the Committee to clarify  
9 why the additional activity was not included in the Committee's original report.<sup>8</sup> The Committee  
10 did not respond to the RFAI.<sup>9</sup>

11 The Committee's increased activity is reflected in the chart below:

Report	Date of Amendment	Amount of Increased Receipts	Amount of Increased Disbursements	Total Increased Activity
2011 Year-End	May 30, 2012	\$20,653.00	\$96,551.33	\$117,204.33
2012 April Quarterly	May 30, 2012	\$106.60	\$7,334.75	\$7,441.35
	<b>TOTAL</b>	<b>\$20,759.60</b>	<b>\$103,886.08</b>	<b>\$124,645.68</b>

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Id.* On February 13, 2013, the Committee filed a second amendment to its 2011 Year-End Report but that amendment did not change the total amount of receipts and disbursements from the previous amendment.

<sup>7</sup> *Id.* at Attach. 4. The Committee filed a second amendment to the report on March 7, 2013, but that amendment did not change the total amount of receipts or disbursements from the previous amendment.

<sup>8</sup> Referral at 2.

<sup>9</sup> *Id.* at 3. On April 23, 2013, the Committee's RAD Analyst called the Committee's treasurer Stanley Dull to discuss the increased activity disclosed on the Committee's amended reports and was referred by Dull to Szilvia Vukovics, the person in charge of filing the reports. *Id.* The analyst spoke with Vukovics on two separate occasions in April 2013, and noted that the Committee had not responded to RFAs sent to them, reviewed the issues in the RFAs, and indicated that these issues might be referred for further action to another office at the Commission. *Id.* Vukovics stated that she had not received the RFAs regarding the Amended 2011 Year-End and Amended 2012 April Quarterly Reports and would address these issues; the Commission has received no further communications or filings from the Committee regarding the RFAs. *Id.*

1 RAD referred the Committee to OGC pursuant to Standard 7 of the 2011-2012 RAD  
2 *Review and Referral Procedures for Authorized Committees* at 75 (the "Referral Procedures")  
3 (approved by Comm'n Apr. 5, 2011).<sup>10</sup> On August 29, 2014, OGC notified the Committee of the  
4 Referral in accordance with the Commission's procedure regarding notification in non-complaint  
5 generated matters.<sup>11</sup> The Committee has not filed a response.

6 **III. LEGAL ANALYSIS**

7 The Federal Election Campaign Act of 1971, as amended (the "Act"), requires committee  
8 treasurers to file reports of receipts and disbursements in accordance with the provisions of  
9 52 U.S.C. § 30104.<sup>12</sup> These reports must include, *inter alia*, the total amount of the committee's  
10 receipts and disbursements.<sup>13</sup>

11 Here, the Committee did not comply with the Act's reporting requirements when it failed  
12 to disclose a total of \$20,759.60 in receipts and \$103,886.08 in disbursements — an aggregate of  
13 \$124,645.68 — in its 2011 Year-End and 2012 April Quarterly Reports. We therefore  
14 recommend the Commission find reason to believe that the Committee violated 52 U.S.C.  
15 § 30104(b).

<sup>10</sup> Under Standard 7, RAD refers matters to OGC when increases in activity for receipts and/or disbursements aggregate over on amendments filed to reports covering the current and/or previous election cycles, which were received during the current election cycle.

<sup>11</sup> See *Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters*, 74 Fed. Reg. 38,617 (Aug. 4, 2009).

<sup>12</sup> See 52 U.S.C. § 30104(a)(1); 11 C.F.R. § 104.1(a).

<sup>13</sup> See 52 U.S.C. § 30104(b)(2) and (4); 11 C.F.R. § 104.3.

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REDACTED

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3    **V.    RECOMMENDATIONS**

4        1.    Open a MUR.

5        2.    Find reason to believe that Immigration911, LLC and Stanley P. Dull in his  
6            official capacity as treasurer violated 52 U.S.C. § 30104(b).

7        3.    Approve the attached Factual and Legal Analysis.

8        4.    Enter into conciliation with Immigration911, LLC and Stanley P. Dull in his  
9            official capacity as treasurer prior to a finding of probable cause to believe.

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6. Approve the appropriate letter.

5-13-15  
Date

BY: Kathleen Guith  
Kathleen Guith  
Deputy Associate General Counsel

Peter G. Blumberg  
Peter G. Blumberg  
Assistant General Counsel

Camilla Jackson Jones  
Camilla Jackson Jones  
Attorney

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